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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/996,333

11/28/2001

Peter Buck

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12/17/2003

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EXAMINER

MOHAMEDULLA, SALEHA R

ART UNIT

PAPER NUMBER

1756

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,333

Applicant(s)

BUCK, PETER

Examiner

Saleha R. Mohamedulla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 17-23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claims 1-23 are pending. Claims 1-16 are examined. Claims 17-23 are withdrawn from consideration.

Restrictions/Elections

1. The traverse of the restriction requirement in the remarks of the amendment has been carefully considered by the Examiner but is not deemed to be persuasive for the reasons of record as set forth the last Office action, in combination with the following remarks.
2. The inventions as in claimed are clearly distinct and capable of supporting separate patents within the meaning of 35 U.S.C. 121. The inventions need not be independent in order to have a proper restriction requirement (see M.P.E.P. 802.01). One-way distinctness is all that is necessary in a restriction between inventions which are related as a product and process of using that product (see M.P.E.P. 806.05(h)). Clearly to examine both product and process claims would require a divergent field of search and consideration of product embodiments for process inventions and process embodiments for the product invention requiring an undue burdensome search and examination.
3. Applicant argues claims 17-20 are drawn to the exposure method as they are drawn to logic encoded media. However, media is classified as a product and not a process. Applicant also argues that claims 1 and 10 are a process of making claim 21, and that the claims are not related as process and apparatus. However, claims 1, 10 and 21 were not asserted as being related as process and apparatus in the last Office Action. The claims were asserted as being related as product and process. Therefore, Applicant's arguments are not persuasive.

Therefore, the restriction requirement is still proper and made FINAL.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by US# 6284413 to Adams.

Adams teaches a system for, and method of, manufacturing a semicustom reticle for an integrated circuit (IC) and an IC manufactured by the system or the method. In one embodiment, the system includes: (1) a library of reticle primitives, at least two of the reticle primitives containing patterns corresponding to portions of a layer to be created by the semicustom Reticle and (2) exposure equipment that employs the at least two of the recticle primitives to create an image of the patterns on the semicustom reticle to allow the semicustom reticle to create the layer in a single lithographic step (Abstract). Adams also teaches that the single device pattern, or reticle, is then replicated repeatedly using a step-and-repeat camera (commonly known as a stepper) to form the array of devices and interconnects that cover the

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semiconductor substrate (col. 1, lines 50-60). Therefore, Adams teaches the limitations of claim

1. Adams teaches the semicustom reticle includes a transparent substrate and a pattern defined by an opaque material and formed on the transparent substrate, the pattern transferred on the transparent substrate from at least two reticle primitives containing patterns corresponding to a device level of an IC (col. 2, line 50 – col. 3, line 10). Therefore, Adams teaches developing the layer to form the cell. It is inherent that the step and repeat process includes the limitations of claim 3. Adams teaches that the reticles can comprise IC patterns that include SRAM, DSP and other-circuitry (col. 4, lines 55-65). Therefore, Adams teaches the limitations of claim 9.

Allowable Subject Matter

6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach or suggest the reducing dimensions or inserting a blocking feature step.

7. Claims 10-16 are allowed. The prior art does not teach or suggest moving OPC features from a first file to a second file, where the features are located between an outer and inner boundary for a plurality of cells in an array.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Saleha Mohamedulla whose telephone number is (703) 308-1260. The Examiner can normally be reached Monday-Friday, from 8:00 AM to 4:30 PM. If

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attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mark Huff, can be reached on (703) 308-2464. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310. The After Final fax phone number is (703) 872-9311. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Saleha R. Mohamedulla', with a long horizontal line extending to the right.

Saleha R. Mohamedulla
Patent Examiner
Technology Center 1700
December 5, 2003